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GENERAL COUNSEL
OF COPYRIGHT

In the Matter of)

Distribution of 1998 and 1999)
Cable Royalty Funds)

Docket No. 2001-8 CARP-CD 98-99

**MOTION FOR ACCEPTANCE OF STIPULATION
AMONG THE NATIONAL ASSOCIATION OF BROADCASTERS,
THE PUBLIC TELEVISION CLAIMANTS,
AND THE JOINT SPORTS CLAIMANTS
REGARDING THE 1999 CABLE OPERATOR SURVEY**

The National Associations of Broadcasters ("NAB") hereby requests that the Copyright Arbitration Royalty Panel accept the attached "Stipulation Among the National Association of Broadcasters, the Public Television Claimants, and the Joint Sports Claimants Regarding the 1999 Cable Operator Survey," dated September 12, 2003 ("Stipulation").

The Stipulation concerns the Supplemental Declaration of James Trautman filed by the Joint Sports Claimants on August 15, 2003. Following the Order issued by the Panel on August 28, 2003, the parties discussed the possible filing of a joint stipulation in lieu of Mr. Trautman's appearance for cross examination and redirect examination on September 15, as specified in the Order. The purpose of the attached Stipulation is to demonstrate the results of using an alternative method,

described in the Stipulation, for calculating revised percentages for Mr. Trautman's tables to account for the anomalous responses reported for Respondent No. 81 in the Bortz cable operator survey. None of the parties to the Stipulation concedes the validity of the other parties' positions as to the correct method for doing so, but the Stipulation provides the share numbers resulting from use of the alternative method.

NAB requests that the Panel accept the attached Stipulation into the record.

Respectfully submitted,

NATIONAL ASSOCIATION OF
BROADCASTERS

By: _____



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STIPULATION AMONG
THE NATIONAL ASSOCIATION OF BROADCASTERS,
THE PUBLIC TELEVISION CLAIMANTS,
AND THE JOINT SPORTS CLAIMANTS
REGARDING THE 1999 CABLE OPERATOR SURVEY

The National Association of Broadcasters ("NAB"), the Public Television Claimants ("PTV") and the Joint Sports Claimants ("JSC"), by their respective counsel, hereby stipulate as follows:

1. On August 15, 2003, JSC submitted a Supplemental Declaration of James Trautman. In this declaration, Mr. Trautman submitted a re-calculation of the 1999 cable operator survey results omitting respondent #81, who had allocated shares to programming categories that were not carried by that system on a distant signal basis. In response to a request from NAB and PTV, Mr. Trautman again re-calculated the 1999 cable operator survey results, this time omitting only those responses of respondent #81 that related to the two distant signal programming

categories the respondent's cable system did not actually carry, i.e., Sports and Public Television.

2. The revised numbers using this alternative correction calculation are shown in the column added at the right of Mr. Trautman's original revision, as follows:

Programming Type	1999 Original	1999 Without #81	1999 Without Sports and PBS from #81
Live Professional and college team sports	38.8%	38.9%	38.7%
Movies	22.0%	22.1%	22.0%
Syndicated shows, series and specials	15.8%	15.6%	15.8%
News and public affairs programs	14.7%	14.6%	14.7%
Devotional and religious programming	5.7%	5.8%	5.7%
PBS and all other programming on non- Commercial signals	2.9%	2.9%	2.9%
All programming on Canadian signals	0.2%	0.2%	0.2%

3. These revised numbers also affect Mr. Trautman's re-calculation of Tables 1 and 3 from his rebuttal testimony, of which he had presented revised versions in his Supplemental Declaration at page 4. Again using the alternative correction method as a base, the further revisions would be as follows:

Table 1
Distant Signal Programming Valuation Study
Adjusted Using 1990-92 CARP Approach

	1998	1999 Original	1999 Without #81	1999 Without Sports and PBS from #81
Live professional and team sports	36.7%	38.2%	38.3%	38.2%
Movies	21.2%	21.1%	21.2%	21.2%
Syndicated shows, series and specials	17.5%	15.6%	15.4%	15.6%
News and public affairs programs	14.3%	14.1%	14.0%	14.1%
Devotional and religious programming	5.1%	5.5%	5.6%	5.5%
PBS and all other programming on non-commercial signals	3.4%	3.4%	3.4%	3.4%
Canadian Programming	1.7%	2.0%	2.0%	2.0%
Total*	99.9%	99.9%	99.9%	100.0%
*Does not equal 100.0 percent due to rounding				

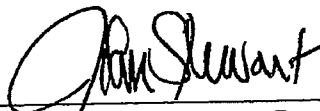
Table 3
Distant Signal Programming Valuation Study
Adjusted For PTV and Canadian Only Systems

	1998	1999 Original	1999 Without #81	1999 Without Sports and PBS from #81
Live professional and team sports	36.6%	38.3%	38.4%	38.2%
Movies	21.3%	21.3%	21.4%	21.4%
Syndicated shows, series and specials	17.6%	15.6%	15.4%	15.6%
News and public affairs programs	14.4%	14.3%	14.2%	14.3%
Devotional and religious programming	5.2%	5.5%	5.6%	5.5%
PBS and all other programming on non-commercial signals	3.4%	3.4%	3.4%	3.4%
Canadian Programming	1.5%	1.6%	1.6%	1.6%
Total	100.0%	100.0%	100.0%	100.0%

4. The purpose of this Stipulation is to demonstrate the results of an alternative method of calculating revised percentages for Mr. Trautman's tables to account for the anomalous responses reported for Respondent No. 81. Nothing in this Stipulation shall be construed to mean that JSC or Mr. Trautman believe that it would be proper to remove the shares attributed to the Sports and PTV categories from Respondent No. 81's responses rather than remove the entire response given by Respondent No. 81 from the survey results. Nothing in this Stipulation shall be construed to mean that NAB or PTV believes that it would be proper to calculate the adjustments reflected in Table 1 or Table 3, either in the manner originally presented by Mr. Trautman in his rebuttal testimony or as presented in his Supplemental Declaration.

So Stipulated,

NATIONAL ASSOCIATION OF
BROADCASTERS

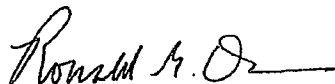


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September 12, 2003

CERTIFICATE OF SERVICE

I, Michael Lazarus, hereby certify that, in accordance with the agreement of all Phase I parties regarding compliance with service requirements, I have caused copies of the foregoing "Motion for Acceptance of Stipulation Among The National Association of Broadcasters, The Public Television Claimants, and The Joint Sports Claimants Regarding the 1999 Cable Operator Survey" to be sent by electronic mail, in .PDF format, to all parties as specified below, with an asterisk by the name of the representative(s) of each party to whom the electronic mail was sent.

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